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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/930,360 | 08/15/2001 | Roy F. Brabson | RSW920010057US1 | 3431 |

7590 07/12/2005

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| EXAMINER |
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TRAN, NGHI V

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| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/930,360

Applicant(s)

BRABSON ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawakami, U.S. Patent Application Publication No. 2001/0044842.

3. With respect to claims 1, 4-5, and 8, Kawakami teaches a method of improving connectivity among topology subnets using a common connection network [see abstract and figs.1-8], comprising:

- determining one or more links between the border node and a neighboring border node located at the border of a different one of the topology subnets by a border node located at a border of a particular one of the topology subnets, wherein a first session endpoint resides in the particular one of the topology subnets and has connectivity to a global virtual routing node ("GVRN") [paragraphs 0055-0061 and figs.1-2&4];
- creating a list of the determined links [fig.4 and paragraph 0062 i.e. VR table];

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- determining that the first session endpoint has connectivity to the GVRN and adding link information to the created list to represent the determined connectivity of the first session endpoint to the GVRN [paragraphs 0063-0068]; and
 - forwarding the list to the neighboring border node [paragraphs 0069-0076 i.e. update the content of the VR table and fig.8].
4. With respect to claims 2, 6, and 9, further comprising:
- receiving the list at the neighboring border node [paragraph 0019];
 - determining whether a second session endpoint, which resides in the different one of the topology subnets, has connectivity to the GVRN or to another GVRN, and, when the second session endpoint has connectivity to the GVRN or to another GVRN, adding link information to the list to represent the determined connectivity [paragraphs 0061-0064]; and
 - using the list to select a data transmission path between the first session endpoint and the second session endpoint [paragraphs 0019-0031].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami as applied to claims 2, 6, and 9 above, and further in view of Iwata, U.S. Patent No. 6,026,077.

7. With respect to claims 3, 7, and 10, Kawakami further teaches when both the first session endpoint and second session endpoint have connectivity to single GVRN, determining whether selecting the common GVRN as a node in the data transmission path results in an optimal data transmission path [paragraphs 0014-0024 and 0060 i.e. open shortest path first].

However, Kawakami is silent on using the list to select a data transmission path further comprises checking to see if both the first session endpoint and the second session endpoint have connectivity to a common GVRN [paragraphs 0025-0034].

In a communication system, Iwata discloses using the list to select a data transmission path further comprises checking to see if both the first session endpoint and the second session endpoint have connectivity to a common GVRN [figs.16-18].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kawakami in view of Iwata by checking to see if both the first session endpoint and second session endpoint have connectivity to a common GVRN because this feature dynamically and autonomously search the alternate path and setup a connection [Iwata, col.1, lns.33-35]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to

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modify Kawakami in view of Iwata in order to restore the connection that has encountered a failure in leaf nodes and/or links with a short delay [Iwata, col.2, Ins.1-3].

Response to Arguments

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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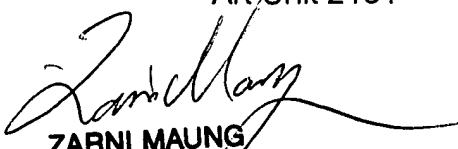
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER